

RECEIVED  
CENTRAL FAX CENTER  
OCT 29 2008

**ROCKEY, DEPKE & LYONS, LLC**

233 S. WACKER DRIVE, SUITE 5450  
CHICAGO, ILLINOIS 60606  
PH: (312) 277-2006  
FX: (312) 441-0570

**FACSIMILE TRANSMISSION**

TOTAL PAGES (Including Cover Page) 9 DATE: 10/29/08

Commissioner of Patents and Trademarks  
TO: Examiner: Livius R. Cazan FROM: Robert J. Depke, Reg. No. 37,607

FAX NO: (571) 273-8300 MAIN FAX NO.: (312)441-0570  
ALTERNATE FAX NO.: (312)876-1325

*If you experience any difficulty with this transmission, please call (312) 277-2006 for assistance.*

**ORIGINAL COPY AND ENCLOSURES**

\_\_\_ WILL BE SENT BY \_\_\_ MAIL \_\_\_ COURIER  
☒ WILL NOT BE SENT

**NOTES:**

Inventor: Hiroshi Asami et al.  
Serial No.: 10/523,331  
Art Unit: 3709  
Filed: November 7, 2005  
Attorney Ref.: 075834.00424

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile no. 1-571-273-8300 on 10/29/08

  
Robert J. Depke

**IMPORTANT NOTICE**

This transmission (including all attached pages) is intended only for the use of the named addressee(s), and may contain information that is privileged or exempt from disclosure under applicable law. **IF YOU ARE NOT A NAMED ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS TRANSMISSION IS STRICTLY PROHIBITED.** If you have received this transmission in error, please destroy all copies and notify us immediately at this telephone number: (312) 277-2006.

**RECEIVED**  
**CENTRAL FAX CENTER**

**OCT 29 2008**

PTO/SB/21 (09-04)  
Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/523,331
	Filing Date	Nov 7, 2005
	First Named Inventor	Hiroshi Asami et al.
	Art Unit	3709
	Examiner Name	Livius R. Cazan
Total Number of Pages in This Submission	Attorney Docket Number	075834.00424

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply to Ex parte Quayle
Remarks <b>The Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Rockey, Depke & Lyons, LLC		
Signature			
Printed name	Robert J. Depke		
Date	10/29/08	Reg. No.	37,607

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Robert J. Depke
Date	10/29/08

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/523,331 Confirmation No.: 5772  
Applicant: Hiroshi Asami  
Filed: November 7, 2005  
TC/A.U.: 3729  
Examiner: Livius R. Cazan  
Docket No.: 075834.00424  
Customer No.: 33448

RECEIVED  
CENTRAL FAX CENTER  
OCT 29 2008

AMENDMENT C

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

S I R:

In response to the Ex parte Quayle Action of September 17, 2008, please  
amend the above-identified application as follows:

Amendment to the Title is on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.